

REMARKS

In the outstanding Action, claims 9-11 and 14-15 are rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite. In particular, the Examiner contends that claims 9 and 11 lack antecedent basis and that claims 14-15 include a "double inclusion" for the attachment member. The foregoing rejection is respectfully disagreed with, and is traversed below.

While not admitting that the claims are in any way vague or indefinite, claims 14-15 have been further clarified to improve upon the wording. Regarding the Examiner's rejection of dependent claims 9-11 as lacking antecedent basis for "at least one of the first side and the second side of the middle, rigid cutter member," independent claim 1 from which these claims depend has been amended to clarify that the rigid cutter member has a first side and a second side. Accordingly, the Examiner's 35 U.S.C. Section 112, second paragraph, rejection should be reconsidered and withdrawn. It is noted, however, that by amending these claims it is not admitted that the claims were unclear or that these claims were properly rejected under 35 U.S.C. Section 112, second paragraph. Thus, since the amendments merely clarify the claim wording, the amendments were also not made for a reason related to patentability and the full range of equivalents should remain intact.

In the Action, claims 5-7 and 23 are rejected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for the above indication of allowable subject matter. Accordingly, the limitations of claim 23, which depends directly from claim 1, have been incorporated into claim 1 and claim 23 has been canceled. Thus, independent claim 1, as well as claims 2-21, which each depend directly or indirectly from claim 1, are allowable.

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Similarly, claims 5, 6 and 7 have been rewritten in independent form, as suggested by the Examiner, and presented as new claim 28-30, respectively. Claims 28-30 are thus also in condition for immediate allowance.

Claims 1-4, 9-15, 17-20, 22 and 24-27 are rejected under 35 U.S.C. Section 102(b) as being "anticipated by Karlis" (Page 2 of Office Action). Applicant thanks the Examiner for clarifying via telephone that "Karlis" refers to U.S. Patent 5,638,730 (hereinafter Karlis). Similarly, claims 8 and 16 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Karlis. These rejections are respectfully disagreed with and are traversed below.

For the reasons set forth above, claims 1-21 are believed to be in condition for immediate allowance. Moreover, it is respectfully asserted that Karlis does not disclose nor suggest any of the present claims. In particular, Karlis is directed to a paper punch for perforating sheets of paper for insertion into loose-leaf binders and for retention therein (Col. 1, lines 2-25). According to Karlis, "there continues to be a need for a portable, light weight paper punch that has punch heads that move linearly rather than arcuately so that tolerances between the punch heads and die are not a problem (Col. 1, lines 47-51). As shown, for example, in Fig. 2 and described at col. 4, lines 8-18, the punch head 16 is axially reciprocal between an inactive position in which its lower cutting edge is recessed in guide hole 32 and an active position in which its lower cutting edge is projected through the paper reception slot 18, and any paper sheets therein, into the die hole 30. Thus, in Karlis the cutting is accomplished by using two hard components, namely the punch head 16 and die hole 30.

In contrast to Karlis, in the present application cutting of material is accomplished by using hard (i.e. middle, rigid cutter member) and soft (i.e. flexible jaw member) components. This is much more usable and safe for the intended purpose. As set forth in independent claim 27, the cutter is for cutting the material adjacent the flexible jaw member and rigid cutter member with the cutting being accomplished with use of the flexible jaw member and the rigid cutter member. Karlis does not disclose nor suggest such a cutter with this advantageous feature.

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Nor does Karlis disclose or suggest a cutter or method of assembling a cutter wherein the cutter comprises a first receiving area and a second receiving area, wherein the first receiving area is located between the first arm and the first side of the middle, rigid cutter member and the second receiving area is located between the second arm and the second side of the middle, rigid cutter member, as set forth in independent claims 1, 22, 25 and 26.

Moreover, Applicant's claimed cutter is not a paper hole puncher for a loose leaf binder as in Karlis, but rather a cutter for cutting a predetermined shaped piece from a material. For example, as set forth in Applicant's claim 7, the predetermined pattern can correspond to features on the face of a mobile phone.

Accordingly, Applicant respectfully asserts that Karlis teaches away from the present invention and one seeking to develop that which is presently claimed would not even be motivated to look to Karlis for guidance.

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All issues raised by the Examiner having been addressed, the subject application is believed to be in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to reconsider and remove the outstanding rejections, and to allow all of the pending claims as currently presented for examination.

Respectfully submitted:

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